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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/775,310	02/01/2001	Kurt Sager-Hintermann	FE-13	8239

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EXAMINER

VARNER, STEVE M

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 08/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/775,310

Applicant(s)

SAGER-HINTERMANN ET AL.

Examiner

Steve M Varner

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-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 5/19/03.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 12-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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### DETAILED ACTION

Applicant's election without traverse of claims 1-11 in Paper No. 8 is acknowledged.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11, are rejected under 35 U.S.C. 103(a) as being unpatentable over Willingham in view of Kim.

Regarding claim 1, Willingham shows production chambers (C) arranged successively closely adjacent to one another in a direction of transport of the construction elements through the device. Willingham shows each one of the production chambers having opposed ends with through openings configured to be connected to a vacuum source. Willingham shows stationary (C) and detachable (2) chamber parts of concrete (Col. 47, Line 5-10). He does not show reinforced concrete. Reinforced concrete is well known in the art. It would have been obvious to one of ordinary skill in the art at the time the present invention was made to use reinforced concrete in the structure of Willingham since this is the usual way of building concrete structures. The first and second edges may be sealing surfaces configured to seal the stationary and detachable chamber parts relative to one another. (Fig. 1)

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Willingham does not show metallic skin anchored in the stationary and detachable chamber parts. Kim shows metal skin (Abstract). It would have been obvious to one of ordinary skill in the art at the time the present invention was made to use metal skin as in Kim in the structure of Willingham to protect the concrete from environmental damage.

Regarding claim 2, Willingham shows the basic claimed structure. Willingham does not show metal skin fastened to the anchoring elements. Kim shows metal skin. Anchoring elements are well known in reinforced concrete construction. It would have been obvious to one of ordinary skill in the art at the time the present invention was made to use anchoring elements in the concrete and then fasten the metal skin to it in order to attach the metal skin to the concrete for environmental protection.

Regarding claim 3, Willingham shows the detachable chamber part is hood-shaped (2). (Fig. 1)

Regarding claims 4, Willingham shows the stationary chamber part (C) is provided with the hollow interior.

Regarding claim 5, Willingham teaches the first and second edge areas are flanges (both 5's) having sides facing one another and wherein the sealing surfaces are located on the sides facing one another.

Regarding claim 6, Willingham shows the basic claimed structure. Willingham does not show the sealing surfaces formed by metallic skin. Kim shows metallic skin. It would have been obvious to one of ordinary skill in the art at the time the present

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invention was made to use metal skin as in Kim in the structure of Willingham to protect the concrete from environmental damage.

Regarding claim 7, Willingham shows the basic claimed structure. Willingham does not show seals. Seals are well known in the art. It would have been obvious to one of ordinary skill in the art at the time the present invention was made to use a seal to close the chambers to create an isolated environment.

Regarding claim 8, Willingham shows each production chamber (C) comprises a closeable line configured to communicate with the ambient. The line is closeable with closure flaps (See claim 10).

Regarding claim 9, Willingham shows the basic claimed structure. Willingham does not show stainless steel. Kim shows metal. Stainless steel is a well-known structural material. It would have been obvious to one of ordinary skill in the art to use a metal such as stainless steel in the structure of Kim since the steel must protect the concrete from the environment.

Regarding claim 10, Willingham shows the basic claimed structure. Willingham does not show closure flaps. Closure flaps or doors are well known in the art. It would have been obvious to one of ordinary skill in the art at the time the present invention was made to use closure flaps in the structure of Willingham to close off the production chambers to create an isolated environment.

Regarding claim 11, Willingham shows a flat straightening plate (top of 2). Willingham does not show a frame configured to be tightly placed onto a flat surface. Frames such as to pour concrete are well known in the art. It would have been obvious

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to one of ordinary skill in the art at the time the present invention was made to use a pouring form on the flat straightening plate of Williams to create a horizontal plate.

### ***Response to Arguments***

Applicant's arguments filed 5/19/03 have been fully considered but they are not persuasive.

Applicant argues that Willingham does not disclose or suggest an arrangement of Tees which would be suitable for surface-treating, coating or producing construction elements in a continuous process as claimed in claim 1.

Wilingham shows an arrangement of Tees (2), which may be used for any industrial activity which can be performed in a chamber formed by Tees such as the surface treating, coating or producing construction elements in a continuous process.

Applicant argues that the cells according to the reference of Willingham are not intended as production chambers which are each formed by a stationary chamber part and a chamber part which is detachable from the stationary chamber part and which are connected to a vacuum source.

The cell is comprised of stationary parts such as walls and detachable parts such as windows (W). The intended use of production chambers is not a structural limitation. The connection to a vacuum source is a functional limitation.

Applicant argues that neither Kim nor Willingham teach a metal wall which would define a production chamber.

The claims call for a sealing surface formed by a metallic skin, which Kim shows.

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Applicant argues that both references do not disclose chamber parts whose edge areas are provided with oppositely located ceiling surfaces.

This is not claimed.

Applicant argues that the references are directed to the fabrication of structural components and not a device for manufacturing structural elements.

Again the production chambers may be used to manufacture any object, which can be manufactured in a room.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve M Varner whose telephone number is 703 308-1894. The examiner can normally be reached on M-F 7:30-4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D Friedman can be reached on 703 308-0839. The fax phone numbers for the organization where this application or proceeding is assigned are 703 305-7687 for regular communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-1113.

SV

July 24, 2003

A handwritten signature, likely of the examiner, consisting of a stylized 'N' followed by a long, sweeping horizontal stroke.A handwritten signature of Carl D. Friedman, featuring a large, stylized 'C' and 'F'.

Carl D. Friedman  
Supervisory Patent Examiner  
Group 3600